

## TESTIMONY OF THE MAINE ASSOCIATION OF PLANNERS TO THE COMMITTEE ON TRANSPORTATION

### WRITTEN TESTIMONY PROVIDED IN OPPOSITION TO LD 1367 “AN ACT TO PRESERVE AND PROTECT THE STATE’S RAIL CORRIDORS”

DATE OF HEARING: Tuesday, April 30, 2019

#### **Honorable Senator Diamond, Honorable Representative McLean, Distinguished Members of the Committee on Transportation:**

My name is Damon Yakovleff. I am writing on behalf of the Maine Association of Planners Legislative and Policy Committee to testify against LD 1367. The Maine Association of Planners, or MAP, is an organization of over 100 members, including professional public, private, and nonprofit planners, citizen volunteers serving on local boards, and Mainers from other professions like attorneys, landscape architects, professors, and developers. Though our membership works in diverse settings, we are all dedicated to enhancing the practice of planning in Maine.

MAP strongly supports a holistic, multi-modal approach to transportation planning including passenger rail, bicycle and pedestrian trails, and bus transit routes. Such uses limit the number of single automobile trips, reduce the demand for sprawling urban and suburban development into rural places, and improve air quality from reduced automobile emissions. LD 1367 unduly limits the ability to develop holistic multi-modal transportation options by limiting use of corridors for new trails and dedicated bus transit routes.

Adapting unused rail rights-of-way for use as trails or bus routes maintains continuity. Since it was passed in 1983, the Federal National Trails System Act has helped preserve important corridors by allowing their use as trails, rather than be abandoned, broken up, and acquired by adjacent landowners. This practice, known as “railbanking”, has been an important tool that, when feasible, preserves the potential for reactivation for passenger rail service. In comparison, restoring rail services on an abandoned corridor is difficult or impossible.

By stating that “notwithstanding any other law” the state “shall preserve and protect corridors for resuming railroad services,” and by requiring a burdensome passenger rail study, LD 1367 subverts the existing process in ways that will have unintended consequences. This will create a chilling effect on railbanking, and may even lead to outright abandonment of corridors. Existing Maine



Department of Transportation (MaineDOT) standards already require review before formerly used rail corridors can be adapted for other uses. As a result, the MaineDOT routinely considers alternative transportation uses in their planning process.

This bill provides no guidance for the definition of “feasibility.” Should passenger rail be feasible in 50-100 years, is that worth precluding the immediate benefit to citizens of adapting a rail corridor to a trail? This bill leaves important questions like this unanswered. Regardless of time, the cost of the feasibility study required by this bill makes it an almost forgone conclusion that valuable rail corridors will forever sit idle, or worse, be abandoned and will not achieve their highest and best use for Maine.

MAP would be happy to answer any questions you may have about our testimony and would be pleased to work with the Committee on Transportation as it considers LD 1367.

